

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 320, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be **AMENDED** as follows:

- 1 Page 1, delete lines 5 through 12.
- 2 Page 2, delete line 12.
- 3 Page 2, line 13, after "(c)" insert "**A person may receive a**
- 4 **clearance examiner license under this chapter. A person that**
- 5 **engages in the clearance of non abatement activities under 24 CFR**
- 6 **35.1340(b)(1)(iv), as in effect on July 1, 2001, must obtain a**
- 7 **clearance examiner license under this chapter and under rules**
- 8 **adopted by the board under section 5 of this chapter. A clearance**
- 9 **examiner license expires two (2) years after the date of issuance.**
- 10 **(d)".**
- 11 Page 2, line 16, strike "(d)" and insert "(e)".
- 12 Page 2, line 18, after "course" insert "**or clearance examiner**
- 13 **training course, as appropriate,".**
- 14 Page 2, line 29, delete "." and insert "**or clearance examiner**
- 15 **license.".**
- 16 Page 2, line 30, strike "(e)" and insert "(f)".
- 17 Page 2, line 30, reset in roman "position".
- 18 Page 2, line 30, delete "discipline".
- 19 Page 2, line 31, after "(b)" insert "**or (c)".**
- 20 Page 2, line 34, strike "(f)" and insert "(g)".
- 21 Page 2, line 34, after "license" insert "**or a clearance examiner**

- 1 license".
- 2 Page 2, line 36, reset in roman "position".
- 3 Page 2, line 36, delete "discipline".
- 4 Page 2, line 36, after "(b)" insert "**or (c)**".
- 5 Page 2, line 40, delete "a lead-based paint" and insert "**an**
- 6 **appropriate**".
- 7 Page 3, line 2, strike "(g)" and insert "**(h)**".
- 8 Page 3, line 8, strike "(h)" and insert "**(i)**".
- 9 Page 3, line 10, after "chapter" insert "**and the applicable work**
- 10 **practice standards established in section 12 of this chapter**".
- 11 Page 3, between lines 11 and 12 begin a new paragraph and insert:
- 12 "SECTION 4. IC 13-17-14-4.5 IS ADDED TO THE INDIANA
- 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2001]: **Sec. 4.5. (a) A clearance examiner**
- 15 **training program must meet requirements specified in rules**
- 16 **adopted by the board under section 5 of this chapter before**
- 17 **providing initial or refresher training to a person seeking a license**
- 18 **under section 3(c) of this chapter.**
- 19 **(b) The department may approve a clearance examiner training**
- 20 **course offered by a person that satisfies the requirements of**
- 21 **subsection (a).**
- 22 **(c) A clearance examiner training course must be conducted by**
- 23 **an instructor approved by the department as provided in the rules**
- 24 **adopted by the board under section 5 of this chapter."**
- 25 Page 3, line 16, strike "40".
- 26 Page 3, line 17, strike "CFR 76, Subpart L," and insert "**40 CFR**
- 27 **745, Subpart L, as in effect on July 1, 2001,"**.
- 28 Page 3, line 19, after "for" insert ":
- 29 **(A)**".
- 30 Page 3, line 20, delete "clearance examiners,".
- 31 Page 3, line 21, delete "." and insert "; **and**
- 32 **(B) clearance examiners."**
- 33 Page 3, line 23, after "of" insert ":
- 34 **(A)**".
- 35 Page 3, line 23, delete "." and insert "; **and**
- 36 **(B) clearance examiner training courses."**
- 37 Page 3, line 24, after "for" insert ":
- 38 **(A)**".
- 39 Page 3, line 25, delete "." and insert "; **and**
- 40 **(B) clearance examiner training course instructors."**
- 41 Page 4, between lines 7 and 8, begin a new line block indented and
- 42 insert:

"(10) Establish a fee of not more than one thousand dollars (\$1,000) per course, per year, for a clearance examiner training program seeking approval of a clearance examiner training course under section 4.5 of this chapter. However, the following may not be required to pay a fee established under this subdivision:

(A) A state.

(B) A municipal corporation (as defined in IC 36-1-2-10).

(C) A unit (as defined in IC 36-1-2-23).".

Page 4, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 6. IC 13-17-14-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) The commissioner may under IC 4-21.5 reprimand, suspend, or revoke the license of a **clearance examiner or a** lead-based paint activities inspector, risk assessor, project designer, supervisor, worker, or contractor for any of the following reasons:

(1) Violating any requirements of this chapter or rules adopted under this chapter.

(2) Fraudulently or deceptively obtaining or attempting to obtain a license under this chapter.

(3) Failing to meet the qualifications for a license or failing to comply with the requirements of air pollution control laws or rules adopted by the board.

(4) Failing to meet an applicable federal or state standard for lead-based paint activities.

(b) The commissioner may under IC 4-21.5 reprimand a lead-based paint activities contractor or suspend or revoke the license of a lead-based paint activities contractor that employs a person who is not licensed under this chapter for a purpose that requires the person to hold a license issued under this chapter.

(c) The commissioner may under IC 4-21.5 revoke the approval of a **clearance examiner or a** lead-based paint activities training course for any of the following reasons:

(1) Violating any requirement of this chapter.

(2) Falsifying information on an application for approval.

(3) Misrepresenting the extent of a training course's approval.

(4) Failing to submit required information or notifications in a timely manner.

(5) Failing to maintain required records.

(6) Falsifying approval records, instructor qualifications, or other approval information.".

Page 4, line 18, after "(a)" insert "**This section applies to:**

- (1) remodeling, renovation, and maintenance activities at target housing and child occupied facilities built before 1960; and
- (2) lead-based paint activities.

(b) This section does not apply to an individual who performs remodeling, renovation, or maintenance activities within a residential dwelling that the individual owns, unless the residential dwelling is occupied:

(1) while the activities are being performed, by an individual other than the owner or a member of the owner's immediate family; or

(2) by a child who:

(A) is more than six (6) years of age or an age specified in rules adopted by the board under section 5 of this chapter; and

(B) resides in the building and has been identified as having an elevated blood lead level.

(c) A person that performs an activity under subsection (a) that disturbs:".

Page 4, delete line 19.

Page 4, line 25, delete "." and insert ";".

Page 4, between lines 25 and 26, begin a new line blocked left and insert "shall meet the requirements of subsections (e), (f), and (g).".

Page 4, line 26, delete "(b)" and insert "(d)".

Page 4, line 30, delete "(c)" and insert "(e)".

Page 5, line 4, delete "(d)" and insert "(f)".

Page 5, line 8, delete "(e)" and insert "(g)".

Page 5, line 8, delete "maintenance, renovation, or remodeling".

Page 5, line 9, after "activities" insert "**under subsection (a)**".

Page 5, line 14, delete "ombudsman" and insert "**interagency coordinator**".

Page 5, delete lines 15 through 16.

Page 5, line 17, delete "(c)" and insert "(b)".

Page 5, line 17, delete "lead-safe ombudsman and the".

Page 5, delete lines 28 through 33.

Page 5, line 34, delete "(e)" and insert "(c)".

Page 5, after line 34, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2001] (a) Before July 1, 2003, the air pollution control board shall amend 326 IAC 23 to

- 1 **reflect this act.**
- 2 **(b) This SECTION expires July 1, 2003."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 320 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 6, Nays 1.

Senator Gard, Chairperson